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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,601	09/08/2003	Thorsten Boker	P2001,0173	1752
7590	08/09/2006		EXAMINER	
LERNER AND GREENBERG, P.A. POST OFFICE BOX 2480 HOLLYWOOD, FL 33022-2480				SCHAFFER, JONATHAN C
		ART UNIT		PAPER NUMBER
				2624

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/657,601	BOKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jonathan C. Schaffer	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 May 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 and 7 is/are pending in the application.  
 4a) Of the above claim(s) 6 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 and 7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's response to the last Office Action, filed 05/01/2006, has been entered and made of record.
2. Applicant has amended claim 1. Claim 6 has been canceled. Claims 1-5 and 7 are currently pending.
3. Applicant's arguments with respect to claims 1-5 and 7 have been considered but are moot in view of the new ground(s) of rejection.
4. By canceling claim 6 and amending claim 1 the Applicant has successfully over come the 112 rejection of the earlier action.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Bialick et al. (U.S. Patent Number 6,088,802).

#### ***1. An apparatus for detecting fingerprints, comprising:***

***a reading unit for scanning a finger;***

Bialick discloses a biometrics-based authentication module (col. 5, l. 1-2), which is a fingerprint authentication module (col. 14, l. 26-28)

***an image processing unit connected to said reading unit for producing an image of the finger;***

Bialick discloses the content of the sensed fingerprint being converted into digital data by the device (col. 14, l. 26-28).

***a data interface connected to said image processing unit and being based on a standard for flash memory cards holding volumes of data; and***

Bialick discloses a non-volatile memory, which is interpreted as a flash memory card (Fig. 8, item 803; col. 16, l. 10-11), which is communicatively coupled to the computer (Fig. 6).

***a housing commonly holding said reading unit and said image processing unit, said housing having a portion with a housing shape of a flash memory card.***

Bialick teaches a non-volatile memory (Fig. 8, item 803) and a biometrics-based authentication module coupled together (col. 5, l. 1-2 & col. 14, l. 48-49).

***2. The apparatus according to claim 1, wherein the standard is a multimedia card standard.***

(Figure 8, item 803 & col. 16, l. 10-11).

***4. The apparatus according to claim 2, wherein said image processing unit produces data readable by a reader for the memory cards and conforming to the multimedia card standard.***

(col. 5, l. 1-2)

***3. The apparatus according to claim 1, wherein said image processing unit produces data readable by a reader for the memory cards.***

(col. 5, l. 1-2 & col. 14, l. 26-28)

***5. The apparatus according to claim 1, wherein said image processing unit is configured to ascertain minutiae of a recorded image of the finger and to read the minutiae via said data interface.***

Bialick teaches an image processing unit that digitizes fingerprints and compares them to a library of previously stored fingerprints (col. 14, l. 54-56) ascertaining minutiae of those fingerprints would be an inherent part of that identification and comparison process.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Bialick et al. (U.S. Patent Number 6,088,802).

*7. The apparatus according to claim 1, wherein each of the volumes of data holdable on the memory cards is at least one megabyte.*

Bialick discloses a flash memory card, which can hold large volumes of data (col. 16, l. 10-25).

Bialick does not however disclose that the sizes of the media cards are at least one megabyte. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine Bialick's disclosed media cards with cards holding at least one megabyte since the de facto size standard of media cards at the time of the invention was larger than one megabyte.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

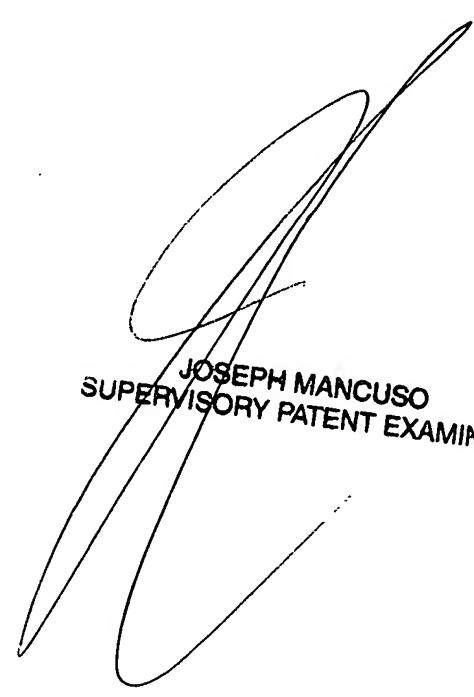
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan C. Schaffer whose telephone number is (571)272-0603. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS



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SUPERVISORY PATENT EXAMINER